

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7399

Petition of Vermont Electric Power Company,     )  
Inc., and Vermont Transco LLC, for authority to     )  
condemn easement rights in property interests of     )  
Michael A. Bravin, Lisa Ann Bravin, and Bank     )  
of America, N.A., located in Waterbury,     )  
Vermont, for the purpose of constructing the     )  
115 kV transmission line portion of the so-     )  
called Lamoille County Project     )

Order entered: 8/12/2009

**ORDER RE: RECOMMENDATION FOR DISMISSAL**

**I. REPORT**

On September 8, 2008, Vermont Electric Power Company, Inc., and Vermont Transco LLC (collectively, "VELCO"), filed a petition (the "Petition") with the Vermont Public Service Board ("Board") to condemn easement rights across land belonging to Michael A. and Lisa Ann Bravin ("Landowners"), located in Waterbury, Vermont. This petition replaced, in its entirety, a petition previously filed on January 17, 2008. On November 20, 2008, a prehearing conference was held. On March 9, 2009, VELCO notified the Board that VELCO and the Landowners had reached an agreement in principle and hoped to resolve the matter; and consequently, a technical hearing scheduled for March 19, 2009, was canceled.

On July 24, 2009, VELCO filed a Motion for Dismissal, pursuant to V.R.C.P. 41(a)(2). A copy of the motion was served on the Landowners, who have not responded to the motion. Because I assume that the only prejudice arising from dismissal of this petition would be to the company seeking condemnation of the Landowner's property and that party is now requesting the dismissal, I conclude that the petition for condemnation may be dismissed and this docket closed.

This decision is not adverse to the interest of any party, so it need not be circulated to the parties pursuant to 3 V.S.A. § 811. This report is made to the Public Service Board pursuant to 30 V.S.A. § 8.

Dated at Montpelier, Vermont, this 28<sup>th</sup> day of July, 2009.

s/Jay E. Dudley  
Jay E. Dudley  
Hearing Officer

## II. ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED by the Public Service Board of the State of Vermont that:

1. The Report of the Hearing Officer is accepted.
2. The motion to dismiss the petition to condemn is granted.
3. This docket shall be closed.

Dated at Montpelier, Vermont, this 12<sup>th</sup> day of August, 2009.

<u>s/James Volz</u> ) ) ) <u>s/David C. Coen</u> ) ) ) <u>s/John D. Burke</u> )	PUBLIC SERVICE  BOARD  OF VERMONT
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OFFICE OF THE CLERK

FILED: August 12, 2009

ATTEST: s/Susan M. Hudson  
 Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)*

*Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.*